No. T. 1600—R.T. 16-52-5, dated Bangalore, 26th July 1952.

In exercise of the powers conferred by Sections 21, 41, 65, 67, 68, 70, 71 (2), 73, 74, 75, 77, 80, 86 (2), 88, 90, and 91 of the Motor Vehicles Act, 1939, (Central Act IV of 1939) His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Mysore Motor Vehicles and Road Traffic Rules, 1945, the draft of the same having been previously published in Part IV, Section 1 (*c*) of the *Mysore Gazette*, dated the 5th June 1952 in Notification No. T. 884—R.T. 16-52-1, dated the 2nd June 1952, as required by Section 133 of the said Act:—

1. In the said Rules, save as is otherwise hereinafter provided, and unless there is anything repugnant in the subject or context,—

(*a*) references to "the Act" in Chapters II to VII shall be construed as references to the Motor Vehicles Act, 1939, (Central Act IV of 1939) and references to any section of the Act shall be construed as references to the corresponding section of the said Motor Vehicles Act, 1939;

(*b*) references to the "Traffic Board" or the "Board" in Chapters II to VII and the forms in Appendix I, shall be construed as references to the State Transport Authority; and

(*c*) references to the District Magistrate in Chapter IV and the Forms in Appendix--I, referred in that Chapter shall be construed as references to the Regional Transport Authority of the District.

2. In Chapter II of the said Rules,—

(i) Rule 5 shall be omitted.

(ii) after Rule 16, the following rules shall be inserted:—

"16-A. *Appellate Authority.*—The authority empowered to hear appeals under sub-section (2) of section 13 or sub-section (3) of Section 15 of the Act, shall be the State Transport Authority.

16-B. *Appeal on Refusal of Authorization.*—Any person aggrieved by an order of the licensing authority refusing to grant an authorization to drive a public service vehicle may appeal to the State Transport Authority.

16-C. *Time for Appeal.*—An appeal under Rule 16-B shall be preferred within thirty days of the receipt of the order of refusal by the person aggrieved.

16-D. *Form.*—An appeal under Rule 16-B and an appeal under sub-section (2) of Section 13 or sub-section (3) of Section 15 of the Act shall be in the form of a memorandum setting forth concisely the

grounds of objection to the order which is the subject of appeal and shall be accompanied by the original or a certified copy of that order. A fee of two rupees shall be paid in respect of each appeal, such payment being made by means of court-fee stamps affixed to the memorandum of appeal".

3. In chapter III of the said Rules,—

(i) after Rule 48, the following rule shall be inserted :—

"48-A. *Temporary Registration—Delegation of Powers.*— Subject to the provisions of Section 25 of the Act and Rules 57-A to 57-D temporary certificates of registration may be issued by the persons appointed for the purpose by the registering authority."

(ii) after Rule 57, the following rules shall be inserted.

"57-A. *Temporary Registration—Application.*—An application for temporary registration shall be in Form-E, as set forth in the First Schedule to the Act and clearly marked "Temporary". It shall not be necessary to fill in items 14 to 20 of that Form notwithstanding that the vehicle may be a transport vehicle.

57-B. *Form.*—A temporary certificate of registration shall be in form 6-A.

57-C. *Assignment of Mark*—The authority granting a temporary certificate of registration shall assign a temporary registration mark to the vehicle and the owner shall cause the said mark to be affixed to the front and the rear of the motor vehicle in the manner prescribed for registration marks in these Rules."

(iii) In Rule 58 after item (v), the following item shall be inserted, namely :—

"(vi) for temporary registration Rs. 2."

(iv) In Rule 67, for the word "Province" the word "State" shall be substituted;

(v) In Rule 92 for the words "District Magistrate" the words "Regional Transport Authority" shall be substituted;

(vi) After Rule 108, the following Rules shall be inserted, namely :—

108-A. *Appellate Authority.*—The authority empowered to hear appeals against the orders of the registering authority shall be the State Transport Authority.

108-B. *Appeal in Respect of Certificate of Fitness.*—Any person aggrieved by any order made by a District Superintendent of Police or an Inspector of Motor Vehicles in respect of a certificate of fitness may, within fifteen days of the date on which he has received notice of such order, appeal against the order to the Regional Transport Authority.

108-C. *Appeal—Form and fee.*—An appeal under Rule 108-A, or 108-B shall be in the form of a memorandum setting forth concisely the grounds of objection to the order which is the subject of appeal and shall be accompanied by the original or a certified copy of such order.

A fee of Five Rupees shall be paid in respect of each appeal, such payment being made by means of Court-fee Stamps affixed to the memorandum of appeal".

4. In Chapter IV of the said Rules,—

(i) Rules 115, 118, 119, 120, 121, 123, 129, 131 to 136, 141 and 143 shall be omitted.

(ii) For Rules 109 and 110, the following rules shall be substituted, namely:—

"109. *The Transport Authorities.*—The names of the Members of the State Transport Authority and the Regional Transport Authorities to be constituted for the State and for each District respectively shall be notified by Government in the *Mysore Gazette.*

110. *Tenure of Office of non-official members of the State Transport Authority or Regional Transport Authorities.*—Every non-official Member of the State Transport Authority and Regional Transport Authorities shall hold office for a period of three years on and from the date on which his appointment is notified in the *Mysore Gazette* or until a later date on which the appointment of his successor is notified".

(iii) For Rule 112, the following rule shall be substituted, namely:—

112. *Meeting of the State Transport Authority and Regional Transport Authorities.*—The State Transport Authority and Regional Transport Authorities shall meet at least once a quarter on such date and at such time and place as may be determined by the Chairman and on such other occasions, so determined, as may be necessary for the prompt despatch of business:

Provided that adequate notice of such meetings and of the business to be transacted thereat shall be given for information of such persons who, being interested in the particular business to be

transacted, may reasonably claim to be permitted to attend for the purpose of making representations;

Provided further that at least seven days' notice of meeting shall be given to the Members.

(iv) For Rule 114, the following rules shall be substituted, namely —

"114. *Conduct of Business.*—(*a*) The Chairman shall regulate the conduct of business of the meetings.

(*b*) Every meeting of the State Transport Authority or Regional Transport Authorities shall be presided over by the Chairman and in his absence by a Member chosen by the meeting, at the instance of the Secretary, to preside for the occasion. The presiding member shall exercise all the powers of the Chairman.

(*c*) All questions which may come before the State Transport Authority or Regional Transport Authorities at any meeting shall be decided by a majority of members present and voting at the meeting and in every base of equality of votes the presiding member shall have and exercise a second or casting vote".

114-A. *Circulation of Papers.*—(*a*) Orders may be taken by circulating papers to the members of the State Transport Authority or Regional Transport Authorities unless any person has a right to be heard in accordance with the provisions of the Act and of these Rules, or unless in the opinion of the Chairman, any person has a reasonable claim to be heard in the matter. Where a case is so circulated it shall be open to any member to require that the matter shall be discussed at a meeting of the Authority concerned.

(*b*) Nothing contained in sub-rule (*a*) shall prevent the State Transport Authority or Regional Transport Authorities from deciding by the procedure of circulation any matter which has been considered at a meeting or has been the subject of hearing and upon which a decision has been reserved.

(v) For Rules 116 and 117, the following rules shall be substituted, namely :—

"116. *Duties of the Secretary, State Transport Authority and Chairman, Regional Transport Authorities.*—(*a*) The State Transport Authority and Regional Transport Authorities shall each have a Secretary who shall be appointed by the Government. The Secretary shall also be the Executive Officer of the State Transport Authority and the Chairman, the Executive Officer of the Regional Transport Authority. The Government may appoint such staff for the Office of the State Transport Authority or Regional Transport Authorities as they deem desirable.

(*b*) The Regional Transport Authority may for the prompt and convenient despatch of business by general or special resolution delegate to the Chairman the following functions :—

(i) Power under Section 47 of the Act to grant or refuse the Stage Carriage permit in cases where no objections or representations are received with reference to Section 57 (3) of the Act;

(ii) Power to regulate timings of Stage Carriages under Section 48 (*c*) of the Act and to attach to Stage Carriage permit conditions under Section 48 (*d*) of the Act;

(iii) Power under Section 50 of the Act to grant or refuse a Contract Carriage permit in cases where no objections or representations are received and power under Section 51 (*e*) of the Act to impose conditions on the use of a Contract Carriage;

(iv) Power under Section 53 of the Act to grant or refuse a Private Carrier's permit and power to impose conditions subject to general or special orders of the State Transport Authority;

(v) Power under Section 55 of the Act to grant or refuse Public Carrier's permit in cases where no objections or representations are received with reference to Section 57 (3) of the Act and power under Section 56 (*b*) of the Act to attach conditions to a Public Carrier permit;

(vi) Power under Section 57 (2) of the Act to appoint dates for the receipt of applications for Stage Carriage or Public Carrier's permit;

(vii) Power under Section 57 (3) of the Act to publish applications for Stage Carriage or Public Carrier's permit;

(viii) Power to renew a permit under Section 58 of the Act and power to extend the validity of the permit under Section 63 of the Act subject to the restrictions contained in clauses (i), (iii), (iv) and (v);

(ix) Power under Section 59 (1) of the Act to transfer a permit otherwise than on the death of the permit-holder in the case of vehicles other than Stage Carriage and power under Section 61 of the Act in respect of all vehicles on the death of a permit-holder;

(x) Power under Section 59 (2) of the Act to permit the replacement of one vehicle by another;

(xi) Power under Section 60 of the Act to suspend a permit;

(xii) Power under Section 62 of the Act to grant a temporary permit.

(*c*) The State Transport Authority may for the prompt and convenient despatch of its business by general or special resolution delegate to its Secretary all or any of the powers vested in it :

Provided—

That no delegation to the Secretary, State Transport Authority, shall be made in respect of the following :—

(i) Power under Section 44 (3) (*a*) of the Act to co-ordinate and regulate the activities of the Regional Transport Authorities ;

(ii) Power under Section 44 (3) to settle disputes or differences of opinion between the Regional Transport Authorities ;

(iii) Power under Section 47 of the Act to grant or refuse Stage Carriage permits in cases where objections or representations are received with reference to Section 57 (3) of the Act ;

(iv) Power under Section 50 of the Act to grant or refuse Contract Carriage permits in cases where objections or representations are received ;

(v) Power under Section 64 of the Act to hear and dispose of appeals except the power to refuse to entertain appeals where such appeals are out of time and are otherwise clearly inadmissible under these Rules and the power to grant or refuse interim stay of orders of Regional Transport Authorities, appealed against :

Provided further that where the State Transport Authority delegates to its Secretary the power vested in it under Section 55 of the Act to grant or refuse public carrier permits, the Secretary shall exercise such power subject to such orders and directions as the State Transport Authority may from time to time issue in this behalf.

(*d*) The Secretary of the State Transport Authority and the Chairman of the Regional Transport Authority shall place before the next meeting of the Transport Authority concerned a report in writing of all action taken by him under the powers delegated to them.

(*e*) All orders of delegation made by the State Transport Authority or the Regional Transport Authority shall be posted on a Notice Board at the Office of the Transport Authority concerned.

(*f*) The State Transport Authority or the Regional Transport Authority may give general instructions as to the manner in which the Secretary or the Chairman shall exercise the powers delegated to him.

117. *Delegations to District Magistrates, etc.* (1) The State Transport Authority or the Regional Transport Authority may by general resolution delegate to the District Magistrate or in his absence to his Gazetted Assistant the power under Section 62 of the Act to grant a temporary permit for a transport vehicle for a specified journey in any emergency;

Provided:

That such Gazetted Assistant shall exercise this power only during the absence of the District Magistrate from headquarters.

(2) The District Magistrate or his Gazetted Assistant, as the case may be, shall make a report of the action taken by him in exercise of the powers delegated to the Transport Authority concerned at its next meeting.

(3) A temporary permit granted for a specified journey in pursuance of the delegation shall be valid in any other District or Districts in which the route may lie, but the Officer granting such temporary permits shall make a report thereof to the Authority or Authorities of the other District, or Districts concerned.

(vi) For Rule 122, the following rule shall be substituted, namely:—

122. *Power of Government to remove Members.*—The Government may at any time after considering the representations, if any, put forward by the Members against such action, remove any member of the State Transport Authority and the Regional Transport Authorities from his office for failure to attend three consecutive meetings of the State Transport Authority or the Regional Transport Authorities without good reasons or for any other reason they consider adequate, provided that the total period of absence shall not exceed six months.

(vii) For Rule 127, the following rule shall be substituted, namely:—

"127. *Application for Grant or Renewal of Permits.*—Every application for the grant or renewal of a permit or for an endorsement or renewal of an endorsement of a permit or for an extension or renewal of an extension of validity of a permit shall be made to the Transport Authority concerned which shall acknowledge its receipt. The Regional Transport Authority shall subject to such exemptions as may be made by the State Transport Authority, call for applications in forms prescribed by a notice published in the *Mysore Gazette*, within a specified period of not less than fifteen days from the date of notification in the Gazette.

The State Transport Authority, may, subject to such exceptions as it may make, direct any Regional Transport Authority to take similar action in respect of permits for a Stage Carriage on any through route or routes."

(viii) For Rule 130 the following shall be substituted, namely:—

130. *The State Transport Authority to be Transport Authority for through traffic.*—The State Transport Authority shall be the sole Transport Authority in regard to through traffic and along such other roads as may be notified for this purpose, in the *Mysore Gazette* by the Government, and shall in respect of such traffic exercise the powers and functions conferred upon a Regional Transport Authority by or under Chapter IV of the Act and Rules, if any, made thereunder.

For the purposes of this rule, through traffic shall be deemed to be traffic beyond any one Revenue District in the State, and on routes from any point in a District to the State frontier or proceeding beyond the State frontier to any destination outside the State limits.

(ix) In Rule 139, the words from "with his recommendations" up to the end of the rule shall be omitted.

(x) For Rule 142, the following rule shall be substituted, namely :—

142. *Extension of Service.*—The State Transport Authority may at any time grant extension to any service if it is satisfied after enquiry that the needs of the public demand such extension sought for is beyond the jurisdiction of the Regional Transport Authority which has issued the original permit.

(xi) After Rule 143, the following rules shall be inserted, namely :—

143-A. *Applications—Publication of* :—Upon receipt of an application for a stage carriage permit or a public carrier's permit, the Chairman of the Regional Transport Authority or of the Secretary, the State Transport Authority, as the case may be, shall publish the substance of the application together with the notice of the date before which representations may be submitted and of the date appointed for consideration, on a suitable notice board situated on the permises of the Authority.

143-B. *Applications—Publication of* :—It shall be sufficient compliance with the provisions of sub-section (3) of Section 57 of the Act if the particulars specified in that sub-section are posted on the official notice board of the Transport Authority not less than 15 days before the date appointed for the receipt of representations.

(xii) For Rule 146, the following rule shall be substituted, namely :—

146. It shall be a condition of every permit to use the vehicle or vehicles specified in it that tax shall be paid in respect of the vehicle or vehicles in accordance with the provisions of the Mysore Motor Vehicles Taxation and Tolls Act, 1951, and the Rules thereunder. When a Transport Authority has suspended a permit for non-payment of tax, the order of suspension shall be in force only as long as the tax remains unpaid and shall be inoperative immediately on payment of the tax due on the vehicle or vehicles as the case may be.

(xiii) For Rules 170 and 171, the following rules shall be substituted, namely :—

170. *Permit—Delivery on Expiry* :—Within fourteen days of the expiry of any permit by the efflux of time, the holder who is not willing to run the service any longer shall deliver the permit to the Regional Transport Authority by whom it was issued and the Regional Transport Authority receiving any such permit shall intimate the fact to the authorities in whose jurisdictions the vehicle plies and in cases where the route extends over the jurisdiction of more than one Regional Transport Authority, report the matter to the State Transport Authority who may fill up the vacancy so caused having regard to the needs of the public.

171. *Permit—Transfer of* :—(*a*) When the holder of a permit desires to transfer the permit to some other person under sub-section (1) of Section 47 of the Act, he shall, together with the person to whom he desires to make the transfer, make joint application in writing to the Regional Transport Authority by whom the permit was issued, setting forth the reasons for the proposed transfer and the Regional Transport Authority may pass such orders thereon as it deems fit.

(b) In cases of permits relating to routes extending beyond the jurisdiction of the Regional Transport Authority, the concerned Regional Transport Authority shall forward such applications to the State Transport Authority along with its remarks and with particulars of premium, etc., and the State Transport Authority shall pass such orders as it may deem fit.

(xiv) In Rules 176, 177, 178, 180, 190 and 197, for the words "District Magistrate" the words "Transport Authority", shall be substituted.

(xv) Sub-Rule (1) of Rule 183, shall be omitted.

(xvi) After Rule 276, the following Rules shall be inserted, namely :—

276 A. *Appeals.*—An appeal shall lie to the State Transport Authority against any order passed by a Regional Transport Authority within 30 days from the date of receipt of intimation of such order excluding the time required for preparing and obtaining a certified copy. From every original order of the State Transport Authority or an order passed on an appeal preferred against the order of Regional Transport Authority an appeal shall lie to Government within 90 days from the date of communication of such order subject to the condition that the time required to prepare and obtain a copy of the order appealed against shall be excluded.

Explanation.—For the purpose of this Rule, an order by the Secretary of the State Transport Authority or the Chairman of the Regional Transport Authority acting under authority delegated to such Secretary or Chairman by the State Transport Authority or the Regional Transport Authority, as the case may be, shall be deemed to be an order of the State Transport Authority or the Regional Transport Authority, as the case may be.

276-B. Such appeals shall be in the form of a memorandum setting forth concisely the grounds of objection to the order, which is the subject of appeal and shall be accompanied by the original or a certified copy of that order.

276-C. A fee of Rs. 10 (Rupees ten) in respect of each appeal to the State Transport Authority and Rs. 25 (Rupees twenty-five) in respect of each appeal to Government shall be paid, such payment being made by means of Mysore Court Fee Stamps affixed to the memo of appeal.

276-D. In any appeal filed either before the State Transport Authority or the Government, the State Transport Authority or the Government may in their discretion, pending the disposal of the case, direct the execution of the order complained against to be stayed.

276-E. The State Transport Authority or the Government may in their discretion give an opportunity to the appellant to be heard either personally or by Pleader and pass such orders as they deem fit after perusal of the entire records connected with the case.

5. In Chapter VII, in Rule 474, after the words "District Magistrate" insert "Or the Regional Transport Authority".

6. In Appendix 1, after Form 6 the following Form shall be inserted, namely:—

FORM 6-A.

Temporary certificate of registration.

(*Rule 57-B, of the Mysore Motor Vehicles and Road Traffic Rules, 1945*).

Temporary registration mark .....

Name, Name of Father and address of owner .....

.....

Description of Vehicle.

1. Class of vehicle
2. Maker's name.
3. Type of body.
4. Seating capacity.
5. Colour.

Under the provisions of Section 25 of the Motor Vehicles Act, 1939, the vehicle described above has been temporarily registered by me and the registration is valid until the.....day of ..... 19 .

Date ....19 .

.....

(Signature and designation of Registering Authority or person appointed under Rule 48.)

By Order of His Highness the Maharaja,